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January 22, 2021

Via ECF

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD) (SN)

Dear Judge Netburn:

As directed by the Court's order by memorandum endorsement of January 5, 2021, ECF No. 6572, I write on behalf of Defendant Kingdom of Saudi Arabia ("Saudi Arabia") to bring the Court up to date on the status of the parties' efforts to propose redactions in accordance with the Court's order of November 24, 2020, ECF No. 6541. The Plaintiffs' Executive Committees ("Plaintiffs" or "PECs"), the Federal Bureau of Investigation ("FBI"), and Defendant Dallah Avco all join in this letter.

On December 23, 2020, counsel for Saudi Arabia circulated to the parties proposed redactions for Saudi Arabia's confidential information in all sealed filings leading up to the Court's July 22, 2019 orders and proposed redactions for FBI confidential information in Saudi Arabia's sealed filings leading up to the Court's sealed July 22, 2019 orders. Counsel for Saudi Arabia further notified the parties that Saudi Arabia would need additional time to review transcripts for the depositions of the King Fahad Mosque ("KFM") witnesses (Khalil Al Khalil and Osman Kaldirim), which were submitted to the Court under seal as exhibits to letters filed by Saudi Arabia on June 18 and June 27, 2019. On January 13, 2021, counsel circulated proposed redactions for Saudi Arabia's confidential information and FBI confidential information in those transcripts.

Counsel for Plaintiffs circulated proposed redactions for FBI confidential information to Plaintiffs' motion papers underlying the July 22, 2019 order to Saudi Arabia and FBI today, along with proposals for redactions to the Al Khalil and Kaldirim deposition transcripts. Review of the documents is time-consuming because of the large number of supporting documents. Counsel for Plaintiffs are also engaged in other matters including the depositions of Saudi Arabia's witnesses, expert depositions involving the merits defendants, and motions practice involving Sudan. As a result, counsel anticipate requiring at least an additional sixty days to

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complete proposed redactions for the remaining pleadings underlying the orders set forth in the Court's November 24, 2020 order.

FBI has commenced review of Saudi Arabia's proposed redactions and has received the PECs' proposed redactions to their papers within this set of motion papers. FBI estimates that it will take 3-4 weeks to complete the review, given the large volume of materials in this set.

On January 7, 2021, counsel for Dallah Avco notified the parties that Dallah Avco had reviewed the proposed redactions that Saudi Arabia had circulated on December 23, 2020, and that Dallah Avco does not assert any independent confidentiality interest in any information in the documents circulated. On January 19, 2021, counsel for Dallah Avco similarly notified the parties that Dallah Avco does not assert any independent confidentiality interest in the Al Khalil and Kaldirim deposition transcripts. Dallah Avco thus does not intend to propose any redactions to those documents.

In reviewing the documents circulated on December 23, 2020 and January 13, 2021, counsel for Saudi Arabia identified certain information in those documents as potentially protected information of other parties or non-parties including the Muslim World League ("MWL") or International Islamic Relief Organization ("IIRO"); and the KFM or witnesses associated with the KFM. Because the MWL, IIRO, and KFM are not signatories to the FBI protective order (except in the case of the KFM for certain limited purposes), they cannot view the relevant documents in unredacted form. Accordingly, before the documents are made public, counsel for the MWL, IIRO, and KFM should be given an opportunity to review them and propose any redactions they consider necessary to protect their clients' protected information. Once the FBI has approved or modified proposed redactions for FBI protected material, counsel for Saudi Arabia will circulate partially redacted versions of the documents to counsel for the MWL, IIRO, and KFM and advise them of the need to propose any additional redactions they consider necessary.

Counsel for all parties will continue to work to move this process forward. Subject to the Court's approval, we propose to submit another joint status letter on or before February 22, 2021.

Respectfully submitted,

/s/ Michael K. Kellogg

Michael K. Kellogg
Counsel for the Kingdom of Saudi Arabia

cc: All MDL Counsel of Record (via ECF)